IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

WP(C).No. 30922 of 2006(F)

PETITIONER:

DR.MEERA B., DG0, DNB (O&G),
ASSISTANT SURGEON,
GOVERNMENT VICTORIA HOSPITAL,
KOLLAM - RESIDING AT MEERA BHAVAN,
PATTATHANAM EAST, KOLLAM.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENTS:

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1. THE DIRECTOR OF HEALTH SERVICES,
OFFICE OF THE DIRECTORATE OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

2. THE PRINCIPAL SECRETARY,
HEALTH & FAMILY WELFARE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

3. STATE OF KERALA,
REP. BY THE CHIEF SECRETARY TO GOVERNMENT OF KERALA,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 30922 OF 2006

Dated this the 28th November, 2006.

JUDGMENT

Challenge is to Ext.P5 order. The petitioner is a Medical Officer. She has been transferred from Kollam to Kozhencherry. According to her she would not have any grievance by the above transfer if she were posted either in a hospital at Kottarakkara or Chirayinkeezhu.

2. Ext.P5 says that the petitioner was transferred pending enquiry into allegations against her and that a vigilance case has been registered and most likely it may be referred for detailed enquiry before the Vigilance Tribunal. The respondents are right in taking the view that in the case of employees or officers who are under the shadow of vigilance cases cannot insist that they must be given postings in places convenient to them. Hence there is nothing arbitrary or illegal on the part of the Government in taking the view as endorsed in Ext.P5. Of course, the petitioner will be free to approach the Government after sometime, if situation changes and further information regarding the vigilance case, is known. If such changes do take place, it will be open to the Government also to reconsider the stand taken in Ext.P5 and pass appropriate

orders. With the above observation the writ petition is dismissed.

K.K.DENESAN
Judge

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